

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiff,

v.

17-CV-442
ORDER

\$27,601.00 UNITED STATES
CURRENCY,

Defendant.

On May 18, 2017, the government commenced this action for the forfeiture of currency seized from Lance Rucker. Docket Item 1. On August 7, 2017, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 9.

On June 5, 2017, Rucker filed a claim to the currency, Docket Item 3, but he never answered the complaint. The government therefore moved to strike Rucker's claim, Docket Item 11, and after Rucker did not respond, that motion was granted, Docket Item 14. On November 2, 2017, the government moved for default judgment. Docket Item 15. Again, Rucker never responded. On January 3, 2018, Judge Roemer issued a Report and Recommendation finding that the government's motion should be granted and that this Court should enter a default judgment¹ and order the forfeiture under 21 U.S.C. § 881(a)(6). Docket Item 19. Neither Rucker nor anyone else objected

¹ In the meantime, the Clerk of Court entered a default on December 1, 2017, Docket Item 17, at the government's request, Docket Item 16.

to the Report and Recommendation, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's Report and Recommendation. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the government's motion.

For the reasons stated above and in the Report and Recommendation, the government's motion for default judgment, Docket Item 15, is GRANTED; and the Court will issue the default judgment and order of forfeiture.

SO ORDERED.

Dated: February 1, 2018
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE